

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TEXAS MEDICAL ASSOCIATION, et al.,)
v.)
Plaintiffs,)
)
v.)
UNITED STATES DEPARTMENT OF)
HEALTH AND HUMAN SERVICES, et al.,)
Defendants.) Case No.: 6:22-cv-00372
)) Lead Consolidated Case
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**[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

Before the Court is plaintiffs' motion for summary judgment. Being fully advised in the premises, the Court finds that the motion should be **GRANTED**.

It is therefore **ORDERED** that the motion is hereby **GRANTED** and the following provisions are hereby **VACATED**:

- a. The word “then” in 45 C.F.R. § 149.510(c)(4)(iii)(B); the entirety of 45 C.F.R. §§ 149.510(c)(4)(iii)(E) and (c)(4)(iv); and the final sentence of 45 C.F.R. § 149.510(c)(4)(vi)(B);
- b. The word “then” in § 26 C.F.R. § 54.9816-8(c)(4)(iii)(B); the entirety of 26 C.F.R. § 54.9816-8(c)(4)(iii)(E) and (c)(4)(iv); and the final sentence of 26 C.F.R. § 54.9816-8(c)(4)(vi)(B); and

c. The word “then” in 29 C.F.R. § 2590-716-8(c)(4)(iii)(B); the entirety of 29 C.F.R. § 2590-716-8(c)(4)(iii)(E) and (c)(4)(iv); and the final sentence of 29 C.F.R. § 2590-716-8(c)(4)(vi)(B).

It is further **ORDERED** that in any future rules, guidance, or other actions concerning the IDR process, the Departments may not (i) instruct arbitrators to place any greater weight on the QPA than on the other statutory factors, (ii) condition arbitrators’ consideration or weighing of the other factors upon any additional findings relating to the QPA, or (iii) impose on arbitrators any administrative burdens that are conditioned upon arbitrators’ relying on factors other than the QPA or selecting the offer farther from the QPA.

SO ORDERED.

Date:

Hon. Jeremy D. Kernodle
United States District Judge